Public Notice

US Army Corps of Engineers
Huntington District

In reply refer to: Issuance Date:
Public Notice No. 199801315-2 January 13, 2004
Application No.: Expiration Date:
Blue Branch February 11, 2004
Address comments to: US Army Corps of Engineers, Huntington District
502 Eighth Street
ATTN: CELRH-F
Huntington, West Virginia 25701-2070

PUBLIC NOTICE

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Green Valley Coal Company
Route 20 Post Office Box 190
Leivasy, West Virginia 26676

LOCATION: The proposed project is located in Blue Branch and its unnamed tributaries at Carl, in Nicholas County, West Virginia.

DESCRIPTION OF THE PROPOSED WORK: The applicant proposes to place dredged or fill material into 8,400 linear feet or 1.741 acres of jurisdictional streams in conjunction with the expansion of the existing Blue Branch Refuse Area. The proposal would involve the construction of two sediment ponds and the expansion of an existing coal refuse fill. The maximum width and height of the fill at the final elevation would be 1,690 feet and 230 feet respectively. The proposed refuse disposal facility would permanently impact approximately 7,900 linear feet or 1.604-acres of jurisdictional streams and 0.44 acre of jurisdictional wetlands. Of this total, approximately 4,300 linear feet of Blue Branch would be relocated in conjunction with the construction of the proposed coal refuse fill. In addition, the proposed sediment ponds would temporarily impact 500 linear feet or 0.137-acre of stream, of which 80 linear feet would encompass the containment berm. The watershed acreage at the mouth of Blue Branch is 640 acres.

The surface mine permit for this site was initially issued on January 18, 1991 for Island Creek Coal Company's existing Hominy Creek preparation plant and refuse disposal facility. The site was closed and partially reclaimed before being acquired and reactivated by Green Valley Coal Company, which accepted the transfer of the SMCRA permit in November 1997. The current refuse facility operates as a side-hill fill disposal area and occupies approximately 176 acres. According to the applicant, the facility will soon reach its maximum storage capacity. The proposed project would expand the SCMRA permitted area to approximately 251 acres. The embankment of the fill would be placed in an area that is now impacted by surface mining spoil and unreclaimed surface mine benches.

The proposed coal refuse disposal facility would be utilized for the placement of coarse and fine material generated at the existing coal preparation facility. The proposed coal refuse disposal facility would accommodate the storage of 14,500,000 cubic yards of coal refuse. This refuse disposal facility is anticipated to receive nearly 1,532,987 tons of coarse coal refuse and over 510,966 tons of fine coal refuse annually for a total of 2,043,953 tons of coal refuse annually. The refuse disposal facility would be capable of storing fine and coarse coal refuse at the above production rates for a

period of 10 years. This facility would receive coal refuse processed from the Sewell coal seam and other mineable seams that may be permitted in the future by underground and surface mining methods. The coal refuse disposal facility would be developed using soil borrow material and coarse and fine coal material. A description of the construction process is outlined below.

Prior to any disturbance in the valley fill area, Ponds No. 1 and 2 would be constructed. The site of Ponds 1 and 2 and the lower portion of the valley fill area (after the ponds are constructed) would be cleared and topsoil and upper horizon material would be stockpiled adjacent to the ponds. This stockpiled material would be utilized to cover the face of the fill after each fifty-foot bench is achieved.

Haulroad No. 8 would be constructed to provide a route to haul refuse to the toe of the fill area. The pre-law Sewell seam mine bench along the western edge of the proposed fill would be developed as a channel relocation and a diversion ditch would be constructed to catch runoff from the undisturbed watershed on the eastern side of Blue Branch. Upon completion of the relocated channel, Blue Branch would be diverted around the refuse disposal area.

Mine seal discharges would be properly protected from slurry disposal. Such protection may include rerouting the seal discharge pipe, constructing an earthen zone within the slurry cell to protect the seal discharge pipe, or avoiding the seal discharge pipe location altogether, or a combination of these.

The main underdrain would be constructed so that its upstream end is always at least 100 feet ahead of the refuse fill construction. Secondary drains to collect seeps or springs would be installed as needed in advance of refuse placement.

Upon completion of the channel relocation and diversion ditch, Ponds 1 and 2, Haulroad No. 8 and the initial section of underdrain, construction of the refuse fill would be initiated. The toe area would be constructed using either coarse refuse or suitable fill material from the road construction. Refuse material would be placed in two-foot thick lifts. As the refuse fill progresses and more room is available on the top of the fill surface, slurry cells would be placed on the refuse fill.

Fine refuse cells would be constructed on the valley fill refuse embankment for disposal of fine refuse in slurry or dewatered "cake" form. Fine refuse may be trucked to the disposal site or it may be pumped via an overland pipeline from the processing plant.

Cells approximately 90 feet in average width and up to 150 feet in length (top dimensions) would be staggered on subsequent lifts. The maximum depth would be eight feet and side slopes would be 2H:1V.

After a cell is filled, disposal activity would be moved to another cell while that site is allowed to drain and stabilize. Subsequently, the solidified fine refuse would be covered with a minimum of three feet of compacted coarse refuse. Once adequate cover of coarse refuse is completed, the site would be used for another fine refuse cell and the entire cycle would be repeated.

No cell or combination of cells would be of such size at any time as to meet the definition of an impoundment under the WV Dam Control Act or MSHA regulations. At all times, the maximum amount of open storage capacity would be less than 15.0 acre-feet or 653,400 cubic feet. Typical slurry cell details for cells along the eastern Sewell bench and in the coarse refuse fill are attached. The slurry water from cells on the refuse material would percolate through the coarse refuse material into the underdrains. However, slurry water from cells located on the Sewell bench would be

pumped to the edge ditches after fines have settled.

Construction of the refuse fill would continue in this fashion with the main underdrain being constructed at least one hundred feet ahead of the rising refuse fill. During construction, the refuse fill surface would be sloped from the east side towards the west side at a 2% to 5% slope. The fill would not be tied into the ground on the western side until each subsequent lift is placed, creating a four foot minimum depth channel along the existing ground to convey surface runoff from the fill area to the ponds. The fill would be constructed and maintained so that surface runoff would not be impounded.

Four feet of non-toxic, non-combustible soil material would provide a suitable growth medium for vegetation. This material would be recovered from within the disposal area and hauled to the finished portion of the refuse fill for contemporaneous reclamation or it may be stockpiled for later use. In addition, any rock suitable for riprap may be stockpiled as needed. Any material not suited for a growth medium for vegetation or riprap would be properly disposed depending on its characteristics. Organic matter would not be placed in the refuse disposal embankment.

The Sewell bench underdrain would be extended along the base of the highwall on the eastern side of the disposal area where there is a potential for seepage from the coal seam. It would be connected to the main underdrain or extended independently to exit the front outslope of the refuse fill.

Construction of the refuse disposal facility would continue in this manner and the remaining portion of the main underdrain would be completed until the final design configuration is reached. The permanent drainage channels would be installed progressively as the refuse disposal facility is constructed. Earthen material would be utilized to provide a four-foot cover over the refuse disposal facility. The area would then be seeded and mulched in accordance with the reclamation plan.

Plans of the proposed work are attached to this notice.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. The applicant submitted an alternative analysis that is currently being reviewed. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

MITIGATION PLAN: The applicant has submitted a conceptual mitigation plan to compensate for permanent and temporary impacts to waters of the U.S. regulated by the Department of the Army, Corps of Engineers.

To compensate for permanent impacts to jurisdictional streams, the applicant proposes to mitigate on-site through in-kind establishment of aquatic resources. The mitigation work plan would involve the establishment of 6,000 linear feet of new stream channel on the Sewell seam bench along the western perimeter of the proposed refuse embankment. A deep mine entry exists in the Sewell coal seam within the footprint of the proposed fill. Water discharges from this deep mine into Blue Branch. The applicant's mitigation plan has been developed to divert this water into the established (relocated) channel via a pipe in order to augment base flows. In addition, water runoff from the eastern side of the valley would be diverted through a series of ditches to the western side of the valley into the established stream channel to further augment flows. Stream restoration techniques would be used in the design of the established channel. The channel would consist of a triangular shaped bottom in order to concentrate flow during low flow periods. A primary channel would be

established within the secondary channel to accommodate a 100-year, 24 hour storm event. The applicant intends to conserve and stockpile the existing stream's substrate to the extent practicable to be used for the substrate of the new channel. The primary channel would meander within the secondary channel. Habitat restoration devices and structures would be installed within the primary channel in an effort to establish an effective habitat without impeding the design flow capabilities of the new channel. Energy dissipators, boulders, log, rock wing and check dams would be interspersed to create pools. Cover logs, tree cover and rootwads would be placed along the banks of the established channel to provide aquatic habitat as well as bank stabilization. A vegetated riparian zone consisting of native trees and shrubs would be established along the banks of the established channel. The goal of the mitigation plan is to establish a stream system that mimics the alternating patterns of Blue Branch.

To compensate for temporary impacts, the applicant proposes to restore the stream segments temporarily impacted by the proposed overburden storage area, sediment pond and sediment transport upon reclamation of the site. The 1,250 linear feet of ephemeral stream channel would be restored to its pre-mining conditions. In addition, on-bench sediment ditches and cells would be left in place to naturalize into wetland habitat.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A copy of this public notice will be sent to the State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The Huntington District has consulted the most recently available information and has determined the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species, which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including

the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

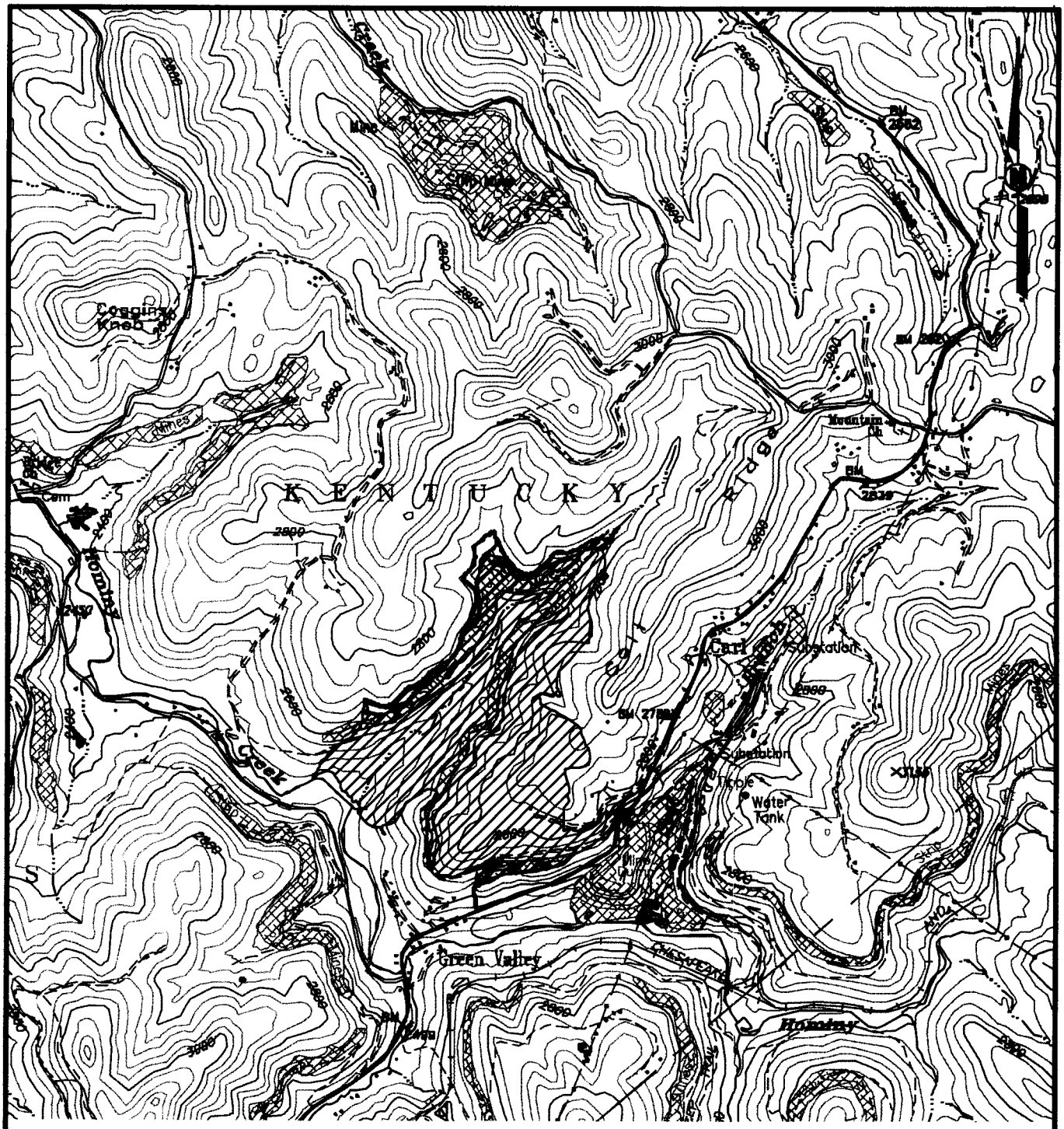
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If you have any questions concerning this public notice, please call Mrs. Teresa Spagna of the South Regulatory Section at 304-399-5710.

Ginger Mullins

Ginger Mullins, Chief
Regulatory Branch

(W)



7.5 MIN. USGS TOPOGRAPHIC MAPS OF QUINWOOD QUADRANGLE, WEST VIRGINIA DATED 1972, PHOTO REVISED 1981 AND NETTIE QUADRANGLE, WEST VIRGINIA DATED 1972, PHOTO REVISED 1979.

SCALE

2000 0 2000 4000 FEET

Alliance Consulting, Inc.

Engineers
Constructors
Scientists

BECKLEY, WV (304) 255-0481
RALEIGH, NC (919) 881-2267

BLUE BRANCH REFUSE AREA – PERMIT NO. O-10-83

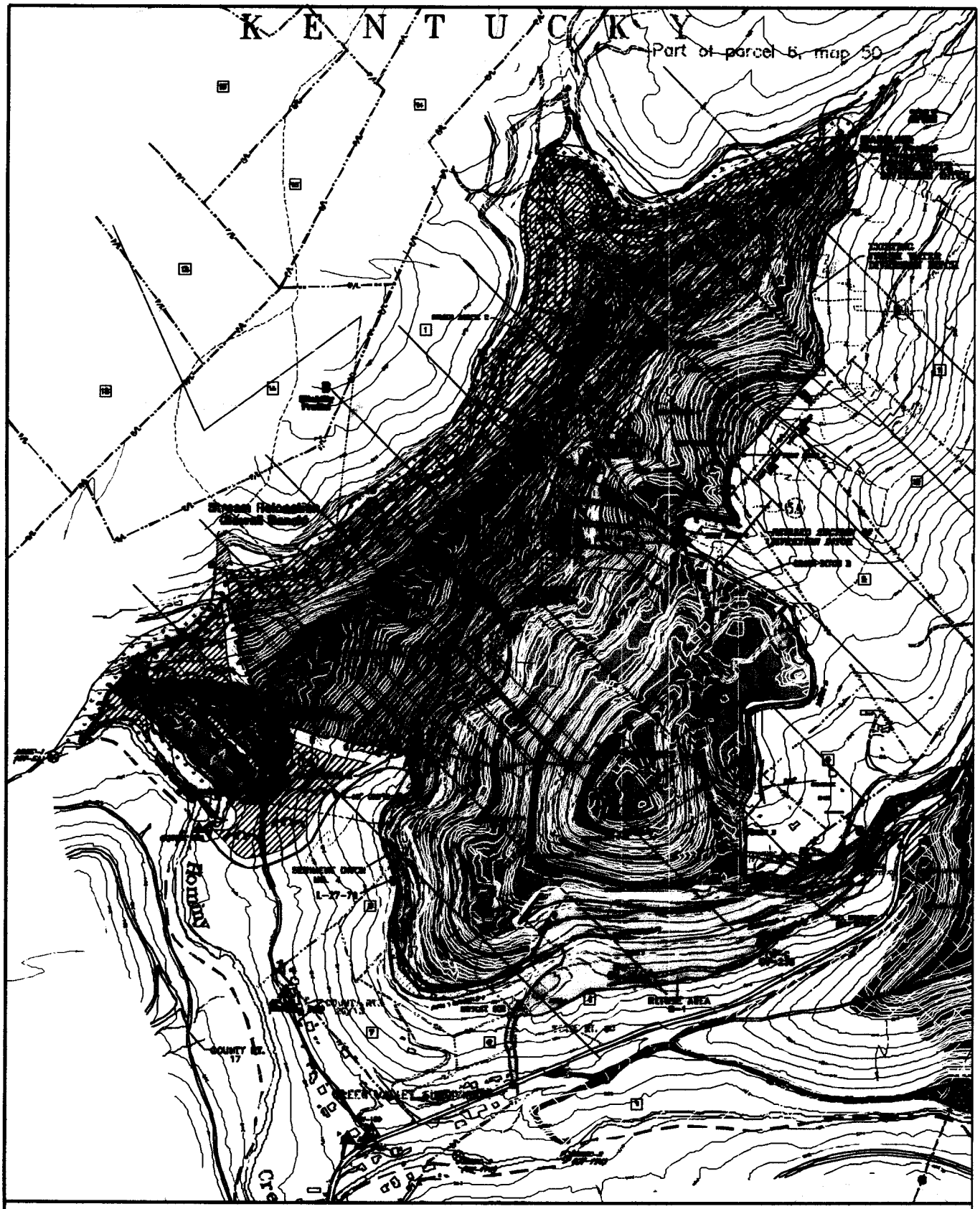
GENERAL TOPO LOCATION MAP

PREPARED FOR

GREEN VALLEY COAL COMPANY

P.O. BOX 190, LEIVASY, WV 26676

DRAWN BY	JSC	01/09/04
CHECKED BY		
APPROVED BY		
DRAWING NUMBER		FIGURE NUMBER
B03-222-A18		



B03-322-A15

DRAINAGE AND PROPOSAL MAP
0-10-83 IBR NO. 9
SHEET 1 OF 2

COMPONENT DRAINAGE TABLE

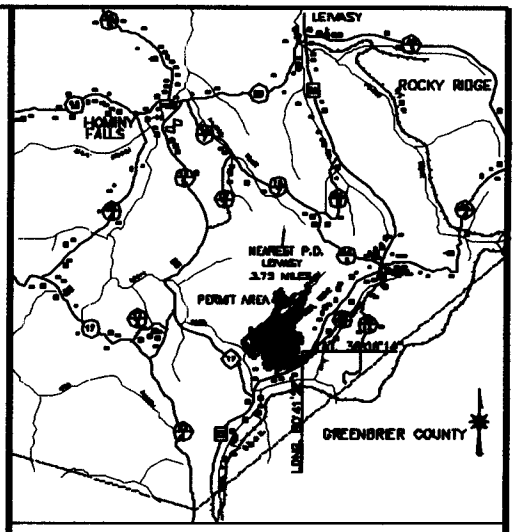
DRAINAGE STUCTURE	DRAINAGE AREA(S)	TOTAL ACRES	DISTURBED ACRES	REQUIRED VOLUME ACRE-FEET	DESIGNED VOLUME ACRE-FEET
POND NO. 1 & 2	1, 1A, 2, 3, 4, 5, 5A, 6, 6A, 7, 8, 9, 10, 11, 12, 13, 13A	217.05	186.48	23.31	24.31
POND NO. B-1		4.32	4.32	.54	.54

PROPERTY INFORMATION

	OWNER	SURFACE DISTURBED AC.	MINERAL OWNER	MINERAL DIST. AC.
1	WESTVACO CORPORATION	78.05	WESTVACO CORPORATION	-
2	GREEN VALLEY COAL COMPANY	2.31	GREEN VALLEY COAL COMPANY	-
3	GREEN VALLEY COAL COMPANY	4.81	GREEN VALLEY COAL COMPANY	-
4	WESTVACO CORPORATION	17.01	WESTVACO CORPORATION	-
5	GREEN VALLEY COAL COMPANY	57.15	GREEN VALLEY COAL COMPANY	-
6	GREEN VALLEY COAL COMPANY	.26	GREEN VALLEY COAL COMPANY	-
7	DENZIL GEORGE	-	WESTVACO CORPORATION	
8	CLARENCE RAMSEY (100' PROPERTY)	-	WESTVACO CORPORATION	
9	ALBERT SIERS (100' PROPERTY)	-	WESTVACO CORPORATION	
10	CHLAN SIERS	-	N/A	
11	TILDON SIERS	-	N/A	
12	PAUL MCCLUNG ESTATE	-	N/A	
13	H.H. GEORGE	-	N/A	
14	LOVELL WELLS	-	N/A	
15	ROZZI ODELL	-	N/A	
16	EDWARD RUDELL	-	N/A	
	TOTAL BONDED	159.29	TOTAL MINERAL REMOVED	-

PERMITTED ACREAGE SUMMARY

DESCRIPTION OF APPLICATION	BEGINNING PERMIT AREA (ACRES)	ADDED AREA (ACRES)	DELETED AREA (ACRES)	ENDING PERMIT AREA (ACRES)
ORIGINAL O-10-83	140.00	-	-	-
IBR #1	140.00	3.91	0	143.91
IBR #2	143.91	2.16	0	146.07
IBR #3 (TERMINATED)	146.07	0	0	146.07
IBR #4 (TERMINATED)	146.07	0	0	146.07
IBR #5	146.07	5.22	0	151.29
IBR #6 (TERMINATED)				
IBR #7	151.29	20.07	12.07	159.29
IBR #8	159.29	17.00	0	176.29
IBR #9	176.29	78.78	4.71	251.36



GENERAL LOCATION MAP

TAKEN FROM NICHOLAS COUNTY HIGHWAY MAP

1 0 1 2 MILES

NOTES

1. PROPERTY LINES WERE ESTABLISHED FROM INFORMATION SUPPLIED BY THE COAL COMPANY AND/OR TAX COMMISSIONER MAPPING. PROPERTY LINES SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
2. DESIGN FROM AERIAL MAPPING - SEE PLAN VIEW FOR DETAILS.
3. SEE SUPPLEMENTAL MAP NO. 1 OF IBR 5 FOR KNOWN WORKINGS OF UNDERGROUND MINE AREAS WITHIN THE PERMIT AREA.
4. NO CEMETERIES ARE WITHIN 100' OF THE PERMIT AREA.
5. NO PRIME FARMLAND WITHIN THE PERMIT AREA.
6. NO GAS WELLS WITHIN THE PERMIT AREA.
7. UNDERDRAIN TO FOLLOW EXISTING DRAIN. ALL SPRINGS AND SEEPS TO BE INTERCEPTED, SEE PLAN VIEW.
8. POINTS USHC-1 AND DSHC-1 WILL BE UTILIZING BOTH NPDES INSTREAM AND ARTICLE 3 (DURING MINING) MONITORING AND TESTING CRITERIA.
9. PHOTOGRAMMETRIC MAPPING NOW USED AS BASE MAP IN REPLACEMENT OF USGS TOPO MAP. SOME MINOR DIFFERENCES MAY OCCUR.
10. PERMIT BOUNDARY ADJUSTED (ADD/DELETE) TO ADDRESS CHANGES DUE TO MAPPING.

ACREAGE SUMMARY

IBR #9: ADDED AREA	78.78
IBR #9: DELETED AREA	4.71
NET IBR #9 AREA	75.07
DRAINAGE AREA (INCLUDED IN DISTURBED)	
REGRADED AREA	12.12
DISTURBED AREA	238.24
TOTAL SURFACE PERMIT AREA	251.36

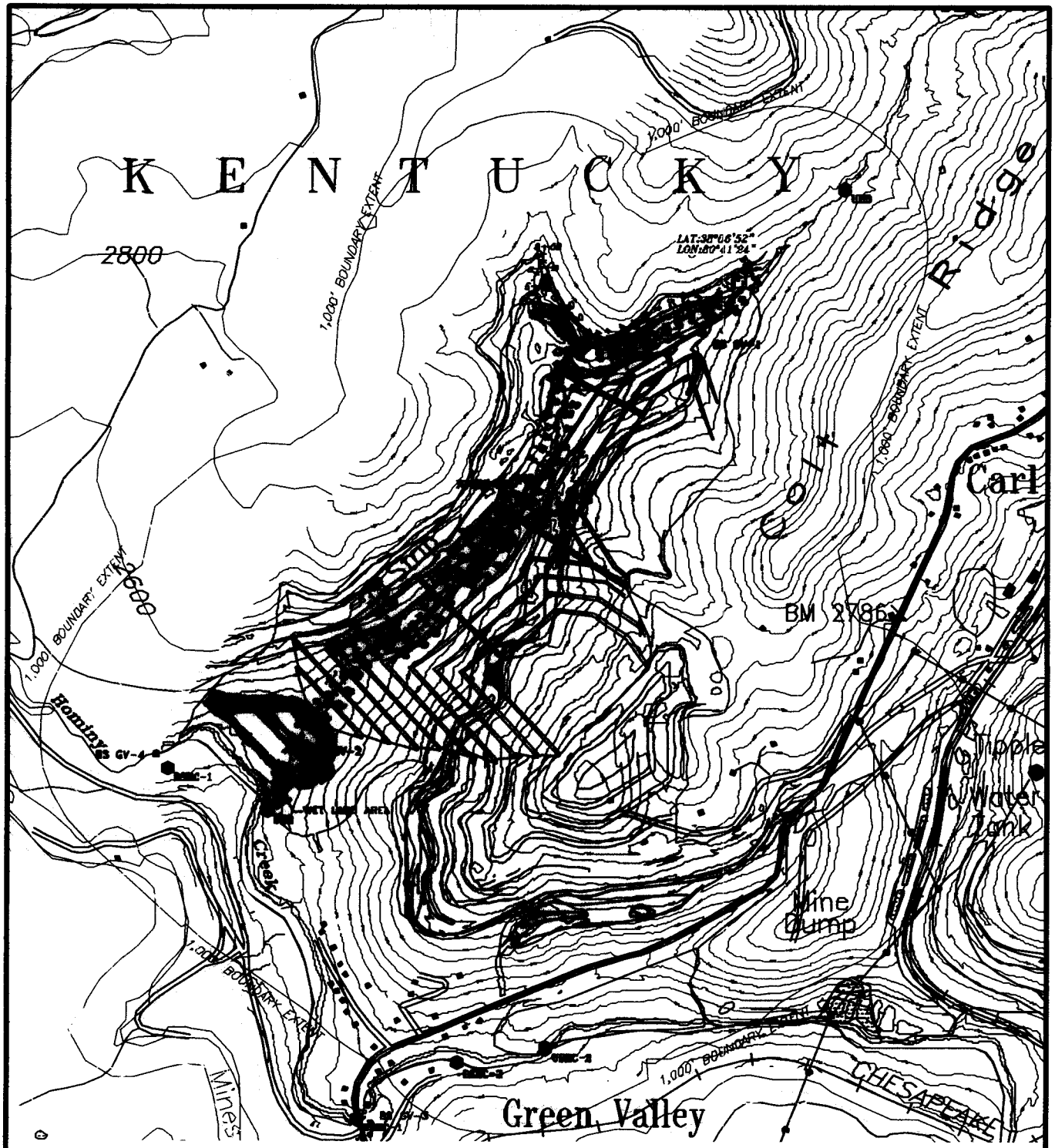
LEGEND

PROPERTY LINE
PROPERTY OWNERSHIP IDENTITY
STRUCTURE
PERMANENT MONUMENT
PERIMETER MARKER
TOPSOIL STORAGE AREA
WELLS (WATER, GAS, OIL)
PIPELINES (W, C, O)
PORTAL
FUEL STORAGE AREA
EXISTING ROADS
DIVERSION DITCH
EXPLOSIVE STORAGE AREA
SURFACE RUNOFF FLOW DIRECTION
NPDES OUTLET MONITORING SITE TO BE DELETED
NPDES OUTLET MONITORING SITE
PROPOSED REFUSE DISPOSAL
EXISTING ROADS
ROADWAY CULVERT W/SLIMP
ROADWAY CULVERT
SEDIMENT PONDS
SEDIMENT CHANNEL
SEDIMENT STRUCTURE TO BE DELETED
FLUME/CONVEYANCE CHANNEL
COMPONENT DRAINAGE AREA
FLOW DIRECTION/ EDGE DITCH
SEWELL SEAM OUTCROP
ADJACENT PERMIT AREA
ARTICLE 11 NPDES INSTREAM MONITORING SITE (DRC)
GROUNDWATER MONITORING WELL (MW-1)
UNDERGROUND MINE DISCHARGE OR SEEPAGE POINT (10)
STREAM BUFFER ZONE (No Refuse Placement Allowed)

DRAINAGE AND PROPOSAL MAP (SHEET 2 OF 2)
PERMIT NO. O-10-83 IBR NO. 9
NPDES WV0060097 NPM 04 EXHIBIT I-VI-A AND GPP MAP (ATTACHMENT 6-1, 18-1)

MINE NAME: BLUE BRANCH REFUSE AREA
COMPANY: GREEN VALLEY COAL COMPANY
ADDRESS: PO BOX 190
LEIVASY, WV 25676
COUNTY: NICHOLAS
DISTRICT: KENTUCKY
QUADRANGLE: QUINWOOD
LATITUDE: 38°06'14" LONGITUDE: 80°41'22"
RECEIVING STREAM: HOMINY CREEK OF GAULEY RIVER OF KANAWHA RIVER

B03-322-A16



STREAM DELINEATION MAP

BLUE BRANCH REFUSE FACILITY IBR NO. 9

LEGEND

- SBMP-ID ⬢ STREAM BASELINE MONITORING POINT
- BS-ID ● BENTHIC SITE
- X EPHEMERAL/INTERMITTENT TRANSITION POINT

NOTES:

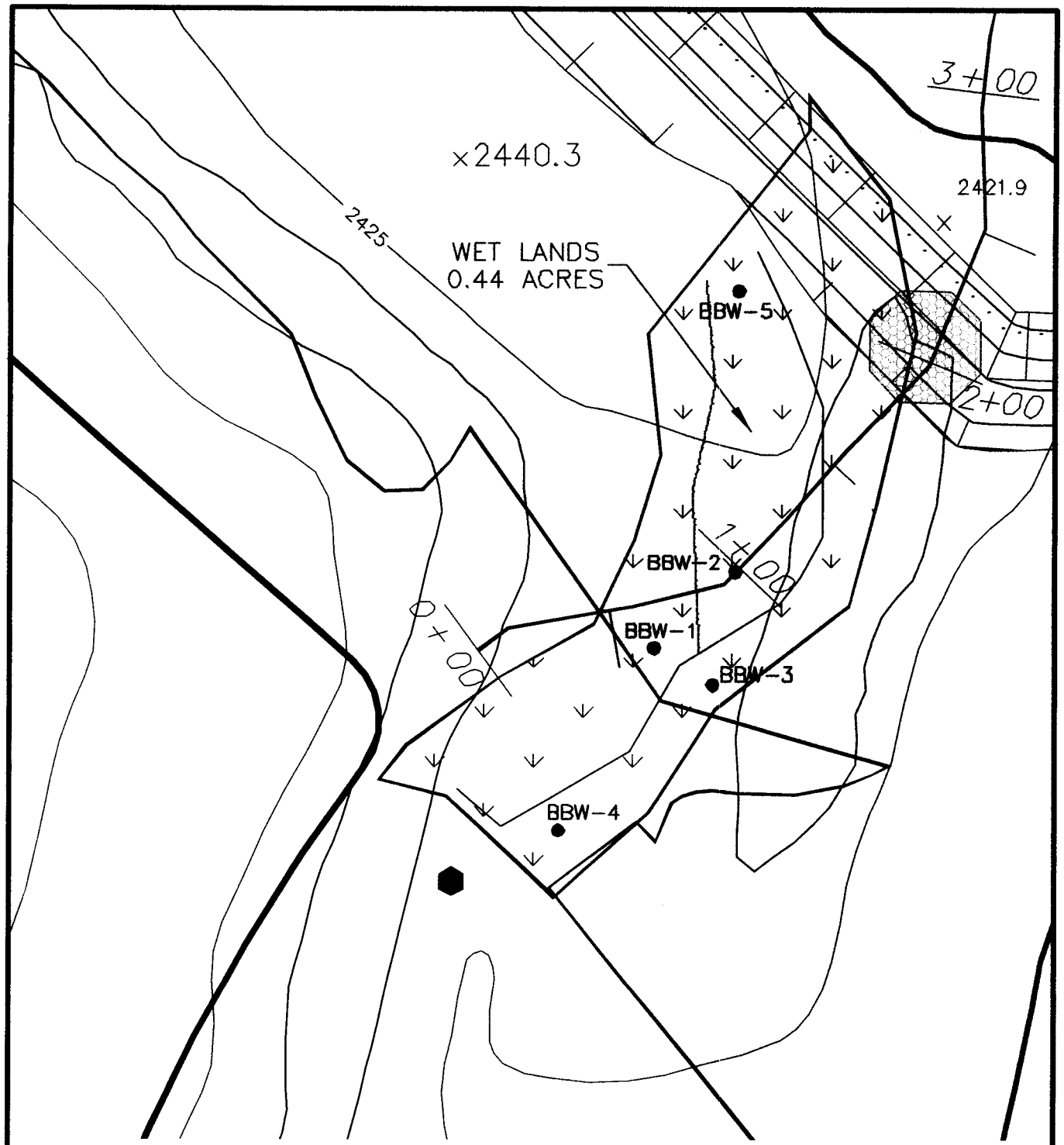
1) "Ephemeral/Intermittent Transition Point" labels include Latitude and Longitude Coordinates.

2) Biological Survey Station (Benthic Sampling Point) coordinates are exhibited upon "Table VI-B-3" contained within part VI of this application.

3) Stream delineation's were conducted as exhibited upon this map. Generally, streams were delineated starting at a point just below the lowest planned disturbance extending upstream to the farthest reach of a given stream and, if applicable, any contributing tributaries.

4) There is one delineated wetland area within the bounds of the proposed project.

B03-222-A13



WATERS OF THE US DELINEATION MAP
BLUE BRANCH REFUSE FACILITY IBR 9

LEGEND

SBMP-ID ⬢ STREAM BASELINE MONITORING POINT

BS-ID ● BENTHIC SITE

✕ EPHEMERAL/INTERMITTENT TRANSITION POINT

NOTES:

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4) There is one delineated wetland area within the bounds of the proposed project.

B03-222-A17